

Case No. 2016-1306, -1307, -1309, -1310, -1311

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

TECHNOLOGY PROPERTIES LIMITED LLC, PHOENIX DIGITAL
SOLUTIONS LLC, PATRIOT SCIENTIFIC CORPORATION,

Plaintiffs- Appellants,

v.

HUAWEI TECHNOLOGIES CO., LTD., FUTUREWEI TECHNOLOGIES,
INC., HUAWEI DEVICE CO., LTD., HUAWEI DEVICE USA INC., HUAWEI
TECHNOLOGIES USA INC., ZTE CORPORATION, ZTE USA, INC.,
SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS
AMERICA, INC., LG ELECTRONICS, INC., LG ELECTRONICS U.S.A.,
INC., NINTENDO CO., LTD., NINTENDO OF AMERICA INC.,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of California in Case Nos. 3:12-cv-03865-VC, 3:12-cv-03876-VC, 3:12-cv-03877-VC, 3:12-cv-03880-VC, and 3:12-cv-03881-VC, Judge Vince Chhabria.

**DEFENDANTS-APPELLEES' UNOPPOSED FIRST MOTION FOR
EXTENSION OF TIME TO FILE INITIAL BRIEF**

DATED: March 29, 2016

DLA PIPER LLP (US)

Mark D. Fowler
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Attorneys for Defendants-Appellees
SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.

Additional counsel listed on signature block.

MOTION FOR 30-DAY EXTENSION OF TIME TO FILE INITIAL BRIEF

Pursuant to Federal Circuit Rule 26(b), Defendants-Appellees Huawei Technologies Co., Ltd., Futurewei Technologies, Inc., Huawei Device Co., Ltd., Huawei Device USA Inc., Huawei Technologies USA Inc., ZTE Corporation, ZTE USA, Inc., Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., LG Electronics, Inc., LG Electronics U.S.A., Inc., Nintendo Co., Ltd. and Nintendo of America Inc. (collectively, "Defendants-Appellees") file this First Unopposed Motion for 30-Day Extension of Time to File Initial Brief, and in support thereof, show as follows:

1. Plaintiffs-Appellants filed their initial brief on March 10, 2016, pursuant to an unopposed motion for a 30-day extension of time granted by the Court on February 4, 2016. Defendants-Appellees' initial brief is currently due on April 22, 2016.

2. Defendants-Appellees respectfully request a 30-day extension of time to file their initial brief on behalf of all Defendants-Appellees, up to and including May 23, 2016. As set forth in the declaration attached hereto, good cause exists for this extension to allow the Defendants-Appellees to fully brief the issues presented in these appeals and to coordinate and prepare a joint response to allow for a more efficient review for this Court.

3. Counsel for Defendants-Appellees conferred with counsel for Plaintiffs-Appellants regarding this motion, and said counsel indicated that they

do not oppose the relief requested in this motion and will not be filing a response in opposition. Defendants-Appellees have not previously requested an extension of time to file their initial brief.

CONCLUSION

For the foregoing reasons, Defendants-Appellees respectfully requests that the Court grant their First Unopposed Motion for Extension of Time to File Initial Brief and extend the deadline for filing their initial brief by 30 days from April 22, 2016 to May 23, 2016.

Dated: March 29, 2016

DLA PIPER LLP (US)

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**MCDERMOTT WILL & EMERY
LLP**

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INC.

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LTD., HUAWEI DEVICE CO., LTD.,
HUAWEI DEVICE USA INC.,
FUTUREWEI TECHNOLOGIES, INC.,
and HUAWEI TECHNOLOGIES USA
INC.

FISH & RICHARDSON P.C.

/s/ Wasif Qureshi

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NINTENDO CO., LTD and NINTENDO
OF AMERICA INC.

Case No. 2016-1306, -1307, -1309, -1310, -1311

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

TECHNOLOGY PROPERTIES LIMITED LLC, PHOENIX DIGITAL
SOLUTIONS LLC, PATRIOT SCIENTIFIC CORPORATION,

Plaintiffs- Appellants,

v.

HUAWEI TECHNOLOGIES CO., LTD., FUTUREWEI TECHNOLOGIES,
INC., HUAWEI DEVICE CO., LTD., HUAWEI DEVICE USA INC., HUAWEI
TECHNOLOGIES USA INC., ZTE CORPORATION, ZTE USA, INC.,
SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS
AMERICA, INC., LG ELECTRONICS, INC., LG ELECTRONICS U.S.A.,
INC., NINTENDO CO., LTD., NINTENDO OF AMERICA INC.,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of California in Case Nos. 3:12-cv-03865-VC, 3:12-cv-03876-VC, 3:12-cv-03877-VC, 3:12-cv-03880-VC, and 3:12-cv-03881-VC, Judge Vince Chhabria.

**DECLARATION OF AARON WAINSCOAT IN SUPPORT OF
DEFENDANTS-APPELLEES' UNOPPOSED FIRST MOTION FOR
EXTENSION OF TIME TO FILE INITIAL BRIEF**

I, Aaron Wainscoat, in accordance with 28 U.S.C. § 1746, declare as follows:

1. I am counsel of record for Appellees Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Samsung”) in the above-captioned appeal.
2. I make this declaration in support of the accompanying Motion for Extension of Time for the Defendants-Appellees to File Initial Brief.
 1. Defendants-Appellees seek a 30-day extension of time for the Defendants-Appellants to file their initial brief to allow the Defendants-Appellees to fully brief and coordinate the issues presented in these appeals for a more efficient review for this Court. Good cause exists for the requested extension as preparing and briefing the issues among four distinct Defendant-Appellee groups, in an effort to file a single, consolidated brief, will require additional time in the weeks before the brief comes due.
 2. I personally contacted counsel for Plaintiffs-Appellants who all indicated non-opposition to a 30-day extension, which would result in the Defendants-Appellees initial brief coming due on May 23, 2016.
 3. On February 4, 2016, pursuant to an agreement among the parties and an unopposed motion, this Court granted Plaintiffs-Appellants an extension of 30 days to file their initial brief. Defendants-Appellees have not previously requested an extension of time to file their initial brief.

4. Under penalty of perjury, I declare that the foregoing is true and correct.

Dated: March 29, 2016

/s/ Aaron Wainscoat
Aaron Wainscoat

FORM 9. Certificate of Interest

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUITTechnology Properties Limited LLC, et al. v. Huawei Technologies Co., Ltd. et al.No. 16-1306, -1307, -1309, -1310, -1311**CERTIFICATE OF INTEREST**

Counsel for Appellees **Samsung Electronics Co., Ltd. & Samsung Electronics America, Inc.** certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

Samsung Electronics Co., Ltd.

Samsung Electronics America, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

Samsung Electronics Co., Ltd.

Samsung Electronics America, Inc.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

Samsung Electronics Co., Ltd. – None

Samsung Electronics America, Inc. – Samsung Electronics America, Inc. is a wholly-owned subsidiary of Samsung Electronics Co., Ltd.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

DLA Piper LLP (US): Mark Fowler, Erik Fuehrer, Ryan Cobb, James Heintz, Stanley Panikowski, Aaron Wainscoat, Robert Williams

December 22, 2015

Date

/s/ Aaron Wainscoat

Signature of counsel

Aaron Wainscoat

Printed name of counsel

cc: All Counsel of Record

FORM 9. Certificate of Interest

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUITTechnology Properties Limited, LLCv. Huawei Technologies Co. Ltd., et al.Case No. 16-1306, -1307, -1309, -1310, -1311**CERTIFICATE OF INTEREST**

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)
Appellee ZTE Corporation and
ZTE (USA) Inc. certifies the following (use "None" if applicable; use extra sheets
if necessary):

1. The full name of every party or amicus represented by me is:

ZTE Corporation and ZTE (USA) Inc.

2. The name of the real party in interest (Please only include any real party in interest
NOT identified in Question 3. below) represented by me is:

ZTE Corporation and ZTE (USA) Inc.

3. All parent corporations and any publicly held companies that own 10 percent of the
stock of the party or amicus curiae represented by me are listed below. (Please list each party
or amicus curiae represented with the parent or publicly held company that owns 10 percent
or more so they are distinguished separately.)

Shenzhen Zhongxingxin Telecommunications Equipment Company Limited

4. The names of all law firms and the partners or associates that appeared for the party
or amicus now represented by me in the trial court or agency or are expected to appear
in this court (and who have not or will not enter an appearance in this case) are:

McDermott Will & Emery: Jay H. Reiziss, Charles M. McMahon, Hersh H. Mehta, Kieran L. Kieckhefer, Fabio Marino; Brinks Gilson & Lione: William H. Frankel, Robert S. Mallin; Sheppard, Mullin, Richter & Hampton LLP: Scott R. Miller; Davis Wright Tremaine LLP: Martin L. Fineman.

12/28/2015

Date

/s/ Charles M. McMahon

Signature of counsel

Please Note: All questions must be answered

Charles M. McMahon

cc: Counsel of Record

Printed name of counsel

FORM 9. Certificate of Interest

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Technology Properties Limited v. Huawei Technologies Co., Ltd.

Case No. 16-1306, -1307, -1309, -1310, -1311

CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

Huawei Technologies Co., Ltd., et al. (See attached page 2) certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

Huawei Technologies Co., Ltd.; Futurewei Technologies, Inc.; Huawei Device Co., Ltd.; Huawei Device USA Inc.; Huawei Technologies USA, Inc.

2. The name of the real party in interest (Please only include any real party in interest NOT identified in Question 3. below) represented by me is:

Huawei Technologies Co., Ltd.; Futurewei Technologies, Inc.; Huawei Device Co., Ltd.; Huawei Device USA Inc.; Huawei Technologies USA, Inc.

3. All parent corporations and any publicly held companies that own 10 percent of the stock of the party or amicus curiae represented by me are listed below. (Please list each party or amicus curiae represented with the parent or publicly held company that owns 10 percent or more so they are distinguished separately.)

See attached page 2.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court (and who have not or will not enter an appearance in this case) are:

Steptoe & Johnson LLP: Timothy C. Bickham, William F. Abrams, Michael Flynn-O'Brien, Huan-Yi Lin, Morgan Linscott Hector

December 28, 2015
Date

/s/ Timothy C. Bickham
Signature of counsel

Please Note: All questions must be answered

Timothy C. Bickham

cc: _____

Printed name of counsel

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Technology Properties Limited v. Huawei Technologies Co., Ltd.

Case No. 16-1306

**CERTIFICATE OF INTEREST
(Attached Page 2)**

Counsel for the Appellee Huawei Technologies Co., Ltd.; Futurewei Technologies, Inc.; Huawei Device Co., Ltd.; Huawei Device USA Inc.; and Huawei Technologies USA, Inc. certifies the following:

3. All parent corporations and any publicly held companies that own 10 percent of the stock of the party or amicus curiae represented by me are listed below.

Huawei Technologies Co., Ltd. is a wholly owned subsidiary of Huawei Investment & Holding Co., Ltd. and no publicly held company owns 10% or more of its stock.

Huawei Device Co., Ltd. is jointly owned by Huawei Technologies Co., Ltd. and Huawei Tech. Investment Co., Ltd. and no publicly held company owns 10% or more of its stock.

Huawei Device USA Inc. is a wholly owned subsidiary of Huawei Device (Hong Kong) Co., Ltd. and no publicly held company owns 10% or more of its stock.

Futurewei Technologies, Inc. is a wholly-owned subsidiary of Huawei Technologies Coöperatief U.A. and that no publicly held company owns 10% or more of its stock.

Huawei Technologies USA, Inc. is a wholly owned subsidiary of Huawei Technologies Coöperatief U.A. and no publicly held company owns 10% or more of its stock.

Form 9

FORM 9. Certificate of Interest**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Technology Properties Limited v. Huawei Technologies Co., Ltd.

No. 16-1306, -1307, -1309, -1310, -1311

CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

LG Electronics, Inc.; LG Electronics U.S.A., Inc. certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

LG Electronics, Inc.

LG Electronics U.S.A., Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

LG Electronics, Inc.

LG Electronics U.S.A., Inc.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

LG Electronics U.S.A., Inc. is a wholly-owned subsidiary of LG Electronics, Inc. LG Electronics, Inc. is owned in part by LG Corporation, a publicly-held Korean corporation and holding company. LG Corporation owns 10 percent or more of LG Electronics, Inc.'s stock.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Fish & Richardson P.C. - Michael J. McKeon; Christian A. Chu; Wasif H. Qureshi;
Olga I. May; Shelley K. Mack (no longer with firm)

December 28, 2015
Date

/s/ Wasif Qureshi
Signature of counsel
Wasif Qureshi
Printed name of counsel

Please Note: All questions must be answered
cc: All counsel of record via CM-ECF

FORM 9. Certificate of Interest

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

 Technology Properties Limited, LLC v. Huawei Technologies Co., Ltd., et al.

 Case No. 16-1306, -1307, -1309, -1310, -1311

CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)
 Appellee Nintendo Co., Ltd.
Nintendo of America Inc. certifies the following (use "None" if applicable; use extra sheets
 if necessary):

1. The full name of every party or amicus represented by me is:

Nintendo of America Inc. and Nintendo Co., Ltd.

2. The name of the real party in interest (Please only include any real party in interest NOT identified in Question 3. below) represented by me is:

N/A

3. All parent corporations and any publicly held companies that own 10 percent of the stock of the party or amicus curiae represented by me are listed below. (Please list each party or amicus curiae represented with the parent or publicly held company that owns 10 percent or more so they are distinguished separately.)

Nintendo Co., Ltd., is publicly traded in Japan, and owns 100% of Nintendo of America Inc. stock.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court (and who have not or will not enter an appearance in this case) are:

Cooley LLP: Thomas J. Friel, Jr.; Stephen R. Smith; Matthew J. Brigham
 Nixon & Vanderhye, P.C.: Updeep S. Gill

12/28/2015

Date

/s/ Stephen R. Smith

Signature of counsel

Please Note: All questions must be answered

Stephen R. Smith

cc:

Printed name of counsel

FORM 30. Certificate of Service

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF SERVICE**

I certify that I served a copy on counsel of record on March 29, 2016
by:

- U.S. Mail
 Fax
 Hand
 Electronic Means (by E-mail or CM/ECF)

Aaron Wainscoat
Name of Counsel

/s/ Aaron Wainscoat
Signature of Counsel

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NOTE: For attorneys filing documents electronically, the name of the filer under whose log-in and password a document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear. Graphic and other electronic signatures are discouraged.